

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES ENCINAS,

Plaintiff,

v.

UNIVERSITY OF WASHINGTON et al,

Defendants.

CASE NO. 2:20-cv-01679-TL

ORDER ON MOTION TO
CONTINUE

This is an action for employment discrimination, retaliation, and wrongful termination brought by *pro se* Plaintiff James Encinas. Dkt. No. 46 at 1 (amended complaint). This matter is before the Court on Defendants' Motion to Continue Trial Date. Dkt. No. 77.

The trial in this case is currently set for August 26, 2024. Dkt. No. 66. By order of the Court (*see* Dkt. No. 73) on the Parties' joint motion (Dkt. No. 71), the Parties engaged in a settlement conference before United States Magistrate Judge Michelle L. Peterson on February 21, 2024, but were unable to resolve the case. Since that time, Defendants report that Plaintiff's email address no longer appears to be active, and Plaintiff has not responded to their

1 attempts to contact him about the case. Dkt. Nos. 77 at 1–2; 78 ¶¶ 2–6; 78-1 (Exhibit A); 78-2
2 (Exhibit B); 78-3 (Exhibit C); 78-4 (Exhibit D); 78-5 (Exhibit E). Specifically, Defendants were
3 unable to contact Plaintiff to meet and confer regarding this motion and to confirm receipt of
4 their notice of Plaintiff’s deposition, which was sent to Plaintiff via Federal Express overnight
5 mail. Dkt. No. 78 ¶ 6. Defendants then filed the instant motion on March 14, 2024, correctly
6 noted for consideration on March 22, 2024. *See* LCR 7(d)(2). Plaintiff’s deadline to respond in
7 opposition to the motion was March 20, 2024. *Id.* Plaintiff failed to respond.

8 The Court may modify a scheduling order upon a showing of good cause. LCR 16(b)(6).
9 Additionally, “if a party fails to file papers in opposition to a motion, such failure may be
10 considered by the court as an admission that the motion has merit.” LCR 7(b)(2). Every party to
11 a case must also maintain accurate contact information. *See* LCR 10(f).

12 Defendants have shown that good cause exists to continue the currently scheduled trial
13 and related pretrial dates. The Court therefore GRANTS Defendants’ motion (Dkt. No. 77) and
14 STRIKES the Order Amending Jury Trial Date and Related Dates (Dkt. No. 66).

15 Further, the Court ORDERS Plaintiff to SHOW CAUSE for failing to: (1) maintain accurate
16 contact information and (2) respond to Defendant’s attempts to communicate. Plaintiff may
17 respond to this Order by filing a notice on the docket updating his current contact information,
18 confirming whether he received Defendants’ letter and attached documents sent via Federal
19 Express dated March 11, 2024 (*see* Dkt. No. 78-5), and affirming his intent to proceed with his
20 case. Plaintiff’s failure to appropriately respond to this Order could result in this case being
21 dismissed for his failure to prosecute. Plaintiff’s response must be filed by **no later than**
22 **Tuesday, April 30, 2024.**

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1 An amended case management schedule will be entered by the Court, if necessary, at a
2 later date.

3 Dated this 26th day of March 2024.

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6 Tana Lin
7 United States District Judge
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